

U.S. COURTS

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IN THE UNITED STATES DISTRICT COURT

REC'D  
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S. J. BURKE  
IDAHO

FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH and MICHAEL B.  
HINCKLEY, individually and on behalf of  
those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a  
Minnesota corporation,

Defendant.

) Case No. CIV 01-0244-S-BLW

)

)

) **STIPULATED MOTION FOR**  
) **EXTENSION OF BRIEFING AND**  
) **DISCOVERY ON CONDITIONAL**  
) **CERTIFICATION OF FLSA**  
) **COLLECTIVE ACTION**

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WHEREAS, Defendant has requested additional time to complete discovery before  
submitting its briefing on Plaintiffs' Motion for Conditional Certification;

WHEREAS, the parties have reached agreement on extending the schedule for briefing  
on Plaintiffs' Motion for Conditional Certification and are working towards development of a  
plan to complete additional depositions;

WHEREAS, the parties also have reached agreement on rescheduling the hearing on  
Plaintiff's Motion to Conditionally Certify the Fair Labor Standards Act ("FLSA") Collective  
Action;

**STIPULATED MOTION FOR EXTENSION OF BRIEFING AND DISCOVERY ON  
CONDITIONAL CERTIFICATION OF FLSA COLLECTIVE ACTION - Page 1**

Boise-137104.2 0026493-00046

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IT IS HEREBY STIPULATED AND AGREED by and among the undersigned counsel as follows:

1. The hearing on Plaintiffs' Motion for Conditional Certification, originally set by the Court's September 4, 2001 Scheduling Order (Docket No. 56) for April 3, 2002, is now rescheduled to **June 28, 2002 at 9:00 a.m.** in the Federal Courthouse in Boise, Idaho. A separate notice of hearing has been filed.

2. The applicable statute of limitations for Plaintiffs' and putative class members' claims under FLSA shall be tolled from the date of the original hearing, April 3, 2002, until the new hearing date of **June 28, 2002**.

3. Defendant's response brief, previously due by March 6, 2002, will now be filed on or before **May 31, 2002**.

4. Plaintiffs' reply brief, previously due by March 20, 2002, will now be filed on or before **June 14, 2002**;

5. Discovery on the conditional certification issues, previously set to be completed by February 6, 2002, will now be completed by **May 3, 2002**.

6. Written discovery that has already been served as of February 26, 2002 shall be supplemented on or before **May 3, 2002**.

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I have read the terms of this Stipulated Motion and respectfully request that the Court grant the relief sought pursuant to the agreement of the parties.

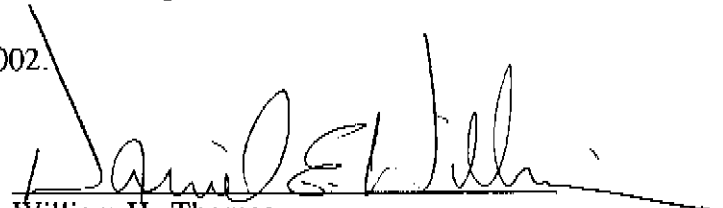
DATED this 4<sup>th</sup> day of March, 2002.



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Attorneys for Defendant Micron Electronics, Inc.

I have read the terms of this Stipulated Motion and respectfully request that the Court grant the relief sought pursuant to the agreement of the parties.

DATED this 4<sup>th</sup> day of March, 2002.



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